

Message

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**From:** Kupchan, Simma [Kupchan.Simma@epa.gov]  
**Sent:** 4/8/2019 7:19:49 PM  
**To:** Hicks, Matt [Hicks.Matthew@epa.gov]  
**Subject:** RE: Florida letter

Thanks for managing this!

Simma Kupchan  
EPA Office of General Counsel  
Water Law Office  
WJC North Building # 7426Q  
202-564-3105

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**From:** Hicks, Matt  
**Sent:** Monday, April 8, 2019 3:15 PM  
**To:** Kupchan, Simma <Kupchan.Simma@epa.gov>  
**Subject:** RE: Florida letter

Yes, will do.

---

**From:** Kupchan, Simma  
**Sent:** Monday, April 8, 2019 3:02 PM  
**To:** Hicks, Matt <Hicks.Matthew@epa.gov>  
**Subject:** RE: Florida letter

Matt,

## Ex. 5 Deliberative Process (DP)

Simma Kupchan  
EPA Office of General Counsel  
Water Law Office  
WJC North Building # 7426Q  
202-564-3105

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**From:** Hicks, Matt  
**Sent:** Monday, April 8, 2019 1:27 PM  
**To:** Kupchan, Simma <Kupchan.Simma@epa.gov>  
**Subject:** RE: Florida letter

Based on my notes it looks like we received the draft AG's statement during a face-to-face meeting with FDEP on September 5<sup>th</sup>. My recollection is that we provided some feedback during the meeting, probably on 9/5/18, or the next day on 9/6/18, but I cannot confirm based on my notes. As a result, it'd be safest to not provide a date. I don't think we have provided any comments on the AG's statement since then.

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**From:** Kupchan, Simma  
**Sent:** Monday, April 8, 2019 1:05 PM

**To:** Hicks, Matt <[Hicks.Matthew@epa.gov](mailto:Hicks.Matthew@epa.gov)>

**Subject:** RE: Florida letter

Thanks!

Also, do you know whether we can state when we provided our latest round of comments on the draft AG statement, by any chance? If it's not safe to provide a date on that, we won't. Thanks!

Simma Kupchan  
EPA Office of General Counsel  
Water Law Office  
WJC North Building # 7426Q  
202-564-3105

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**From:** Hicks, Matt

**Sent:** Monday, April 8, 2019 12:50 PM

**To:** Kupchan, Simma <[Kupchan.Simma@epa.gov](mailto:Kupchan.Simma@epa.gov)>

**Subject:** FW: Florida letter

Simma,

## Ex. 5 Deliberative Process (DP)

Not sure if this affects your write up but I wanted to make you were aware of it asap.

Thanks,

Matt

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**From:** Hicks, Matt

**Sent:** Thursday, April 4, 2019 11:09 AM

**To:** Laycock, Kelly <[Laycock.Kelly@epa.gov](mailto:Laycock.Kelly@epa.gov)>; Kupchan, Simma <[Kupchan.Simma@epa.gov](mailto:Kupchan.Simma@epa.gov)>; Ghosh, Mita <[Ghosh.Mita@epa.gov](mailto:Ghosh.Mita@epa.gov)>

**Cc:** Hurlid, Kathy <[Hurlid.Kathy@epa.gov](mailto:Hurlid.Kathy@epa.gov)>; Purify, Johnnie <[Purify.Johnnie@epa.gov](mailto:Purify.Johnnie@epa.gov)>; McGill, Thomas <[McGill.Thomas@epa.gov](mailto:McGill.Thomas@epa.gov)>; Palmer, Leif <[Palmer.Leif@epa.gov](mailto:Palmer.Leif@epa.gov)>; Gettle, Jeaneanne <[Gettle.Jeaneanne@epa.gov](mailto:Gettle.Jeaneanne@epa.gov)>

**Subject:** RE: Florida letter

I believe the summary provided in the Completeness Determination of what we've received in draft versus not at all is accurate but we definitely will want to see whatever you prepare on Monday before it goes out. I think tone will be important but I know that's something you'll be looking out for.

I'm copying Leif and Jeaneanne so that they are in the loop as well.

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**From:** Laycock, Kelly

**Sent:** Thursday, April 4, 2019 10:53 AM

**To:** Kupchan, Simma <[Kupchan.Simma@epa.gov](mailto:Kupchan.Simma@epa.gov)>; Ghosh, Mita <[Ghosh.Mita@epa.gov](mailto:Ghosh.Mita@epa.gov)>

**Cc:** Hicks, Matt <[Hicks.Matthew@epa.gov](mailto:Hicks.Matthew@epa.gov)>; Hurlid, Kathy <[Hurlid.Kathy@epa.gov](mailto:Hurlid.Kathy@epa.gov)>; Purify, Johnnie <[Purify.Johnnie@epa.gov](mailto:Purify.Johnnie@epa.gov)>; McGill, Thomas <[McGill.Thomas@epa.gov](mailto:McGill.Thomas@epa.gov)>

**Subject:** RE: Florida letter

Just responding to add my management to the email chain so that they're in the loop moving forward.

Kelly Laycock  
Wetlands Regulatory Section  
U.S. Environmental Protection Agency  
61 Forsyth St.  
Atlanta GA, 30303  
phone 404 562 9132

---

**From:** Kupchan, Simma  
**Sent:** Thursday, April 4, 2019 10:51 AM  
**To:** Ghosh, Mita <[Ghosh.Mita@epa.gov](mailto:Ghosh.Mita@epa.gov)>  
**Cc:** Hicks, Matt <[Hicks.Matthew@epa.gov](mailto:Hicks.Matthew@epa.gov)>; Laycock, Kelly <[Laycock.Kelly@epa.gov](mailto:Laycock.Kelly@epa.gov)>; Hurlid, Kathy <[Hurlid.Kathy@epa.gov](mailto:Hurlid.Kathy@epa.gov)>  
**Subject:** RE: Florida letter

Thanks again for all of your quick help with this yesterday. Matt found the status paper extremely helpful and enlightening.

## Ex. 5 Deliberative Process (DP)

Happy to chat if you like. Thanks!

Simma Kupchan  
EPA Office of General Counsel  
Water Law Office  
WJC North Building # 7426Q  
202-564-3105

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**From:** Ghosh, Mita  
**Sent:** Wednesday, April 3, 2019 6:39 PM  
**To:** Kupchan, Simma <[Kupchan.Simma@epa.gov](mailto:Kupchan.Simma@epa.gov)>  
**Cc:** Hicks, Matt <[Hicks.Matthew@epa.gov](mailto:Hicks.Matthew@epa.gov)>; Laycock, Kelly <[Laycock.Kelly@epa.gov](mailto:Laycock.Kelly@epa.gov)>; Hurlid, Kathy <[Hurlid.Kathy@epa.gov](mailto:Hurlid.Kathy@epa.gov)>  
**Subject:** RE: Florida letter

Simma:

## Ex. 5 Deliberative Process (DP)

# Ex. 5 Deliberative Process (DP)

Mita Ghosh  
Chief, Office of Water Legal Support  
Office of Regional Counsel  
United States Environmental Protection  
Region 4  
404-562-9568

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**From:** Kupchan, Simma  
**Sent:** Wednesday, April 3, 2019 4:24 PM  
**To:** Hicks, Matt <[Hicks.Matthew@epa.gov](mailto:Hicks.Matthew@epa.gov)>; Laycock, Kelly <[Laycock.Kelly@epa.gov](mailto:Laycock.Kelly@epa.gov)>; Ghosh, Mita <[Ghosh.Mita@epa.gov](mailto:Ghosh.Mita@epa.gov)>; Hurlid, Kathy <[Hurlid.Kathy@epa.gov](mailto:Hurlid.Kathy@epa.gov)>  
**Subject:** RE: Florida letter

David's language:

# Ex. 5 Deliberative Process (DP)

Simma Kupchan  
EPA Office of General Counsel  
Water Law Office  
WJC North Building # 7426Q  
202-564-3105

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**From:** Hicks, Matt  
**Sent:** Wednesday, April 3, 2019 3:47 PM  
**To:** Kupchan, Simma <[Kupchan.Simma@epa.gov](mailto:Kupchan.Simma@epa.gov)>; Laycock, Kelly <[Laycock.Kelly@epa.gov](mailto:Laycock.Kelly@epa.gov)>; Ghosh, Mita <[Ghosh.Mita@epa.gov](mailto:Ghosh.Mita@epa.gov)>; Hurlid, Kathy <[Hurlid.Kathy@epa.gov](mailto:Hurlid.Kathy@epa.gov)>  
**Subject:** RE: Florida letter

Let's use my conference line: **Ex. 6 Personal Privacy (PP)**

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**From:** Kupchan, Simma  
**Sent:** Wednesday, April 3, 2019 2:36 PM  
**To:** Hicks, Matt <[Hicks.Matthew@epa.gov](mailto:Hicks.Matthew@epa.gov)>; Laycock, Kelly <[Laycock.Kelly@epa.gov](mailto:Laycock.Kelly@epa.gov)>; Ghosh, Mita

<Ghosh.Mita@epa.gov>; Hurlid, Kathy <Hurlid.Kathy@epa.gov>

**Subject:** RE: Florida letter

Great. How about we talk at 4:15 to quickly run through the regs. Whoever would like to join is welcome, but I'll let you all decide if you think you need to be there. I'd like to finish by 4:45.

Simma Kupchan  
EPA Office of General Counsel  
Water Law Office  
WJC North Building # 7426Q  
202-564-3105

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**From:** Hicks, Matt

**Sent:** Wednesday, April 3, 2019 1:55 PM

**To:** Kupchan, Simma <Kupchan.Simma@epa.gov>; Laycock, Kelly <Laycock.Kelly@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>; Hurlid, Kathy <Hurlid.Kathy@epa.gov>

**Subject:** RE: Florida letter

I like your idea about formatting.

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**From:** Kupchan, Simma

**Sent:** Wednesday, April 3, 2019 1:40 PM

**To:** Hicks, Matt <Hicks.Matthew@epa.gov>; Laycock, Kelly <Laycock.Kelly@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>; Hurlid, Kathy <Hurlid.Kathy@epa.gov>

**Subject:** RE: Florida letter

This is great. Yes, I think we should be able to get this done pretty quickly.

## Ex. 5 Deliberative Process (DP)

Simma Kupchan  
EPA Office of General Counsel  
Water Law Office  
WJC North Building # 7426Q  
202-564-3105

---

**From:** Hicks, Matt

**Sent:** Wednesday, April 3, 2019 1:34 PM

**To:** Kupchan, Simma <Kupchan.Simma@epa.gov>; Laycock, Kelly <Laycock.Kelly@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>; Hurlid, Kathy <Hurlid.Kathy@epa.gov>

**Subject:** RE: Florida letter

I'm available at 4:00.

## Ex. 5 Deliberative Process (DP)

# Ex. 5 Deliberative Process (DP)

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**From:** Kupchan, Simma

**Sent:** Wednesday, April 3, 2019 1:28 PM

**To:** Laycock, Kelly <[Laycock.Kelly@epa.gov](mailto:Laycock.Kelly@epa.gov)>; Hicks, Matt <[Hicks.Matthew@epa.gov](mailto:Hicks.Matthew@epa.gov)>; Ghosh, Mita <[Ghosh.Mita@epa.gov](mailto:Ghosh.Mita@epa.gov)>; Hurlid, Kathy <[Hurlid.Kathy@epa.gov](mailto:Hurlid.Kathy@epa.gov)>

**Subject:** RE: Florida letter

# Ex. 5 Deliberative Process (DP)

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Simma Kupchan  
EPA Office of General Counsel  
Water Law Office  
WJC North Building # 7426Q  
202-564-3105

---

**From:** Laycock, Kelly

**Sent:** Wednesday, April 3, 2019 1:11 PM

**To:** Kupchan, Simma <[Kupchan.Simma@epa.gov](mailto:Kupchan.Simma@epa.gov)>; Hicks, Matt <[Hicks.Matthew@epa.gov](mailto:Hicks.Matthew@epa.gov)>; Ghosh, Mita <[Ghosh.Mita@epa.gov](mailto:Ghosh.Mita@epa.gov)>; Hurlid, Kathy <[Hurlid.Kathy@epa.gov](mailto:Hurlid.Kathy@epa.gov)>

**Subject:** RE: Florida letter

I have to leave at 5 but I could join a call before that.

Kelly Laycock  
Wetlands Regulatory Section  
U.S. Environmental Protection Agency  
61 Forsyth St.  
Atlanta GA, 30303  
phone 404 562 9132

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**From:** Kupchan, Simma

**Sent:** Wednesday, April 3, 2019 1:07 PM

**To:** Hicks, Matt <[Hicks.Matthew@epa.gov](mailto:Hicks.Matthew@epa.gov)>; Laycock, Kelly <[Laycock.Kelly@epa.gov](mailto:Laycock.Kelly@epa.gov)>; Ghosh, Mita <[Ghosh.Mita@epa.gov](mailto:Ghosh.Mita@epa.gov)>; Hurlid, Kathy <[Hurlid.Kathy@epa.gov](mailto:Hurlid.Kathy@epa.gov)>

**Subject:** FW: Florida letter

See below. I am busy until about 4 – anyone free to talk then, by any chance?

Simma Kupchan  
EPA Office of General Counsel  
Water Law Office  
WJC North Building # 7426Q  
202-564-3105

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**From:** Fotouhi, David

**Sent:** Wednesday, April 3, 2019 12:54 PM

**To:** Kupchan, Simma <[Kupchan.Simma@epa.gov](mailto:Kupchan.Simma@epa.gov)>

**Cc:** Neugeboren, Steven <[Neugeboren.Steven@epa.gov](mailto:Neugeboren.Steven@epa.gov)>; Wehling, Carrie <[Wehling.Carrie@epa.gov](mailto:Wehling.Carrie@epa.gov)>

**Subject:** RE: Florida letter

Thanks for tracking all of this down, Simma.

**Ex. 5 Deliberative Process (DP)**

# Ex. 5 Deliberative Process (DP)

Best,

David

**David Fotouhi**

Principal Deputy General Counsel  
Office of General Counsel  
U.S. Environmental Protection Agency  
Tel: +1 202.564.1976  
[fotouhi.david@epa.gov](mailto:fotouhi.david@epa.gov)

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**From:** Kupchan, Simma

**Sent:** Tuesday, April 2, 2019 5:21 PM

**To:** Fotouhi, David <[Fotouhi.David@epa.gov](mailto:Fotouhi.David@epa.gov)>

**Cc:** Neugeboren, Steven <[Neugeboren.Steven@epa.gov](mailto:Neugeboren.Steven@epa.gov)>; Wehling, Carrie <[Wehling.Carrie@epa.gov](mailto:Wehling.Carrie@epa.gov)>

**Subject:** FW: Florida letter

Hi David,

Matt requested:

# Ex. 5 Deliberative Process (DP)

# Ex. 5 Deliberative Process (DP)

I'd be happy to discuss further. Thanks for your attention in the meantime.

Simma Kupchan  
EPA Office of General Counsel  
Water Law Office  
WJC North Building # 7426Q  
202-564-3105

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**From:** Fotouhi, David  
**Sent:** Monday, April 1, 2019 10:14 AM  
**To:** Kupchan, Simma <[Kupchan.Simma@epa.gov](mailto:Kupchan.Simma@epa.gov)>; Neugeboren, Steven <[Neugeboren.Steven@epa.gov](mailto:Neugeboren.Steven@epa.gov)>; Wehling, Carrie <[Wehling.Carrie@epa.gov](mailto:Wehling.Carrie@epa.gov)>; Wade, Alexis <[Wade.Alexis@epa.gov](mailto:Wade.Alexis@epa.gov)>  
**Subject:** RE: Florida letter

Hi, Simma. That timing works for me. Is your plan to float this idea to the team in R4 today so that they can provide their views on the call tomorrow?

**David Fotouhi**

Principal Deputy General Counsel  
Office of General Counsel  
U.S. Environmental Protection Agency  
Tel: +1 202.564.1976  
[fotouhi.david@epa.gov](mailto:fotouhi.david@epa.gov)

---

**From:** Kupchan, Simma  
**Sent:** Monday, April 1, 2019 10:11 AM



**To:** Fotouhi, David <[Fotouhi.David@epa.gov](mailto:Fotouhi.David@epa.gov)>; Neugeboren, Steven <[Neugeboren.Steven@epa.gov](mailto:Neugeboren.Steven@epa.gov)>; Wehling, Carrie <[Wehling.Carrie@epa.gov](mailto:Wehling.Carrie@epa.gov)>; Wade, Alexis <[Wade.Alexis@epa.gov](mailto:Wade.Alexis@epa.gov)>

**Subject:** RE: Florida letter

Hi David,

I will discuss Matt's proposal with Region 4. Would it be ok if I got back to you tomorrow afternoon (we have a regularly scheduled call with all of the key Regional players tomorrow morning), or would you like to move faster than that?

Thanks,

Simma Kupchan  
EPA Office of General Counsel  
Water Law Office  
WJC North Building # 7426Q  
202-564-3105

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**From:** Fotouhi, David

**Sent:** Monday, April 1, 2019 10:03 AM

**To:** Neugeboren, Steven <[Neugeboren.Steven@epa.gov](mailto:Neugeboren.Steven@epa.gov)>; Wehling, Carrie <[Wehling.Carrie@epa.gov](mailto:Wehling.Carrie@epa.gov)>; Kupchan, Simma <[Kupchan.Simma@epa.gov](mailto:Kupchan.Simma@epa.gov)>; Wade, Alexis <[Wade.Alexis@epa.gov](mailto:Wade.Alexis@epa.gov)>

**Subject:** Florida letter

# Ex. 5 Deliberative Process (DP)

**David Fotouhi**

Principal Deputy General Counsel  
Office of General Counsel  
U.S. Environmental Protection Agency  
Tel: +1 202.564.1976  
[fotouhi.david@epa.gov](mailto:fotouhi.david@epa.gov)